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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,502	03/29/2001	Guangdian Guordon Wu	068508.0102	5217
23640	7590	01/25/2005	EXAMINER	
BAKER BOTTS, LLP			COLBERT, ELLA	
910 LOUISIANA			ART UNIT	
HOUSTON, TX 77002-4995			PAPER NUMBER	

3624

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,502

Applicant(s)

WU, GUANGDIAN GUORDON

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-50,53 and 54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-50,53 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 45-50, 53, and 54 are pending. Claims 49 and 50 have been amended and claims 53 and 54 have been added in response to this communication filed 11/03/04.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 45 and 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 45 and 47 (a) recites "placing a request post onto said personal base instance by said user; (b) broadcasting said request post to at least one company base process provider by said personal base server;". It is very vague and unclear as to what applicant means by "placing a request post" and "... said request post." Does Applicant mean "posted request"? It is unclear from Applicant's claim language and Specification what Applicant means by "personal base instance", "company base process", "personal base server", and "company base server". Applicant can be his own lexicographer, however, the terminology must be able to be understood from reading Applicant's Specification.

Claims 49, 50, 53 and 54 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular,

Claims 47- 50, 53, and 54 are not sufficiently precise due to the combining of two separate statutory classes of invention in a group of claims. The preamble of claims 47 and 48 refers to a method and the preamble of claims 49, 50, 53, and 54 refer to a system and subsequently the claims deal with the specifics of a system (ex. "node of said system in communication with said personal base server").

Specification

4. The disclosure is objected to because of the following informalities:

On page 2, line 16, change "go a specific" to "go to a specific".

On page 14, line 5, change "The allows" to "This allows".

On page 22, line 5, "one-way connection" in reference to layer 554 in figure 5 should be changed to "two-way connection" as is shown in the figure.

Correction is required. See MPEP § 608.01(b).

Claim Objections

5. Claims 45, 46, 53, and 54 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 47-50. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 45, 46, 47, and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 6,055,513) Katz et al, hereafter Katz.

Claims 45 and 47. Katz teaches, A method of executing a financial transaction on a computer system between a user and a third party, said computer system having a personal base instance for said user, a personal base server for said personal base instance, a personal base provider for said third party, and a financial institution, said method comprising the steps of: (a) placing a request post onto said personal base instance by said user (col. 1, lines 20-42); (b) broadcasting said request post to at least one personal base process provider by said personal base server (col. 8, line 46 – col. 9, line 5, col. 17, lines 15-36 and fig. 3 (132-server base); (c) posting supply responses to said personal base server by said at least one personal base process provider (col. 9, lines 22-42, col. 10, lines 25-45, and fig. 5 (180-website));(d) comparing said responses to said request (col. 16, lines 32-63); (e) determining if a match was found between said responses and said request (col. 16, line 64-col. 17, line 14); (f) if a match was found in said step (e), then prompting said user to confirm a transaction (col. 17, line 23-col. 18, line 15 and col. 22, lines 46-67); (g) if said user confirms said transaction, then sending data about said transaction to said financial institution (col. 18, line 40-col. 19, line 15);(h) determining by said financial institution if said transaction is executable (col. 18, line 49-col. 19, line 15); and (i) if said transaction is executable, then executing said transaction (col. 19, lines 24-58).

Claims 46 and 48. Katz teaches, The method of claim 45, wherein if said transaction is not executable, then sending a disapproval message to said user (col. 21, lines 33-54).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 49, 50, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz in view of (US 6,412, 073) Rangan.

Claims 49 and 53. Katz failed to teach, A personal base process as in claim 47, wherein said node of said system in communication with said personal base server is a company base. Rangan teaches, A personal base process as in claim 47, wherein said node of said system in communication with said personal base server is a company base (col. 3, line 64-col. 6, line 27 and Fig's 1 and 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to

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have the node of the system in communication with the personal base server to be a company base and to incorporate in Katz because such an incorporation would allow Katz to have an Internet portal executing on an Internet connected server where a user can invoke the destination to a company.

Claims 50 and 54. Katz failed to teach, A personal base process as in claim 47, wherein said node of said system in communication with said personal base server is an object base. Rangan teaches, A personal base process as in claim 47, wherein said node of said system in communication with said personal base server is an object base (col. 5, lines 36-62). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate in Katz because such an incorporation would allow Katz to have a user server and an object base for items listed with a URL destination of a page stored on a server.

Response to Arguments

10. Applicant's arguments with respect to claims 45-50, 53, and 54 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moshfeghi et al (US 6,076,166) disclosed a server that includes a layer for dynamically generating web pages and other data objects using scripts.

Wu et al (US 6,510,451) disclosed an Internet portal system for accomplishing multi-component tasks.

Fabri et al (US 2002/0116386 A1) disclosed a user accessing a computer network from a user computer through a personal portal located on a portal server.

Livingston et al (US 6,424,979 B1) disclosed a technical architecture of an enterprise.

Inala et al (US 6,199,077 B1) disclosed a portal server including a software agent.

Van Doorn (US 2002/0116394 A1) disclosed a metadata category and a method of building an information portal.

Sathyanarayan (US 6,691,106 B1) disclosed an instant portal software module executing on a computer system.

Inquiries

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E. Colbert
January 19, 2005